



**COZZARELLI LAW FIRM, P.A.
ATTORNEYS AT LAW**

FRANK J. COZZARELLI

ADAM DUBECK
STEPHEN DRAGONE***
*** NJ & NY BAR

727 JORALEMON STREET
BELLEVILLE, N.J. 07109

(973) 751-4104

FAX (973) 751-7066

E-MAIL F.COZZARELLI@ATT.NET

FRANK COZZARELLI, JR.*
OF COUNSEL

*PATENT ATTORNEY
MARK WEISSMANN**
**NJ & NY BAR

October 9, 2003

TRANSMITTAL LETTER ACCOMPANYING PROTEST UNDER RULE 291(a) and 291(b)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: Protest under 37 C.F.R. 1.291(a) and Public Use under 37 C.F.R. 1.291(b);

In re Application of: W. Jeffrey Chandler et al

Serial No.

09/834,175

Publication No.

US2002/0032599

Publication date

March 14, 2002

Filed:

April 12, 2001

Title:

SYSTEM AND METHOD FOR VENTURE ACCLERATION

RECEIVED.

APR 12 2004

GROUP 3600

Dear Sir:

The following documents are transmitted herewith for appropriate action by the Patent and Trademark Office:

- Petition for Institution of Public Use Proceeding;
- Affidavit in support of Petition to Institute Public Use Proceedings;
- Power of Attorney;
- Protest under 37 C.F.R. 1.291(a) and 291(b);
- Form PTO-1449 and a copy of each of the cited references;
- Certificate of Service;
- Fee check for \$1510.00 for Protest; and
- Return postcard.

Respectfully submitted:

Frank Cozzarelli, Jr.
Frank Cozzarelli, Jr.
Attorney for Protestor
Reg. No. 31343
Cozzarelli Law Firm, P.A.
727 Joralemon Street
Belleville, NJ 07109
973-751-4104



J. COZZARELLI

ADAM DUBECK
STEPHEN DRAGONE***
*** NJ & NY BAR

April 5, 2004

COZZARELLI LAW FIRM, P.A.
ATTORNEYS AT LAW

727 JORALEMON STREET
BELLEVILLE, N.J. 07109
(973) 751-4104
FAX (973) 751-7066
E-MAIL F.COZZARELLI@ATT.NET

3629

FRANK COZZARELLI, JR.*
OF COUNSEL
*PATENT ATTORNEY
MARK WEISSMANN**
**NJ & NY BAR

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: Prior Art material for consideration in the application as follows.

In re Application of: W. Jeffrey Chandler et al
Serial No. 09/834,175
Publication No. US2002/0032599
Publication date March 14, 2002
Filed: April 12, 2001
Title: SYSTEM AND METHOD FOR VENTURE ACCELERATION
Examiner: Dixon, Thomas A.

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Prior Art Information

Dear Sir:

Attached is material I previously submitted as part of a PROTEST UNDER RULE 291(a) and 291(b) to the subject published application. It was dismissed by Examiner Eugenia Jones on March 5, 2004 because it was not timely. Certainly this material is worthy of consideration as prior art information that was in the public domain prior to the application publication date and the filing date. Publication of this prior art material was on the Internet, in various newspapers, trade journals, announcements, and most importantly I sent it to the inventor, W. Chandler, as required in the filing of a protest. Applicant should also report it to the examiner and add it to the applicant's Information Disclosure Statement. Examiner Jones stated that the information would be discarded and she would not forward it to the examining person, since I could do that myself. **I request that the material be considered as prior art information for the subject application.**

With regard to the Protest dismissal, the rule states the Protest must be submitted prior to the date the application was published or the mailing of the notice of allowance, whichever comes first. That has to be an error. How can one file a protest prior to the publication of an application when it is held confidential in the Patent Office? Of course, one can file a Protest prior to the notice of allowance as I did.

Respectfully submitted:

Frank Cozzarelli, Jr.
Reg. No. 31343
Cozzarelli Law Firm, P.A.
727 Joralemon Street
Belleville, NJ 07109
973-751-4104

Cc: Eugenia Jones, Senior Legal Advisor